

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

85 FLATBUSH RHO MEZZ LLC, *et al.*¹

Debtors.

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Chapter 11

Case No.: 20-23280 (RDD)

(Jointly Administered)

**ORDER EXTENDING EXCLUSIVE RIGHT TO FILE
A PLAN OF REORGANIZATION AND TO SOLICIT ACCEPTANCES
FOR THE DEBTORS' PLAN AND FOR RELATED RELIEF**

Upon the timely motion, dated August 17, 2021 ("Motion") of 85 Flatbush RHO Mezz LLC ("Mezz"), 85 Flatbush RHO Hotel LLC ("Hotel") and 85 Flatbush RHO Residential LLC ("Residential," "Mezz," and "Hotel", collectively, the "Debtors" and each, a "Debtor") seeking the entry of an order under section 1121(d)(1) of Title 11 of the United States Code ("Bankruptcy Code") (i) extending the Debtors' exclusive right under Bankruptcy Code section 1121(b) to file a chapter 11 plan through and including **December 15, 2021** (the "Exclusivity Period"), and (ii) if a Debtor files a chapter 11 plan during the Exclusivity Period, extending such Debtor's exclusive right under Bankruptcy Code section 1121(c)(3) to solicit acceptances for such plan through and including **February 11, 2022** (the "Acceptance Period"); and there being due and sufficient notice of the Motion; and 85 Flatbush Avenue 1 LLC's (the "Senior Secured Creditor") having filed an

¹ The Debtors in these chapter 11 cases, along with the last four digits of each Debtor's federal tax identification number, are 85 Flatbush RHO Mezz LLC. (6184); 85 Flatbush RHO Hotel LLC (5027);

objection to the Motion joined by 85 Flatbush Mezz LLC (the “Mezz Lender”); and the Debtors having agreed on the record to resolve the objections interposed by the Senior Secured Creditor as joined by the Mezz Lender by reducing their request to extend the Exclusivity Period to November 24, 2021 and making such extension a final extension and reducing their request to extend the Acceptance Period to January 24, 2022; and upon the record of the hearing held by the Court on the Motion on September 14, 2021; and after due deliberation there being due and sufficient cause for the relief granted herein, it is

ORDERED, that the Motion is granted on the terms and conditions set forth in this order; and it is further,

ORDERED, each Debtor’s Exclusivity Period is extended to and including November 24, 2021, and the Debtors shall not make any further requests to extend the Exclusivity Period; and it is further

ORDERED, that if a Debtor files a chapter 11 within Exclusivity Period, such the Debtor’s Acceptance Period is extended to and including **January 24, 2022**; and it is further

and 85 Flatbush RHO Residential LLC (2261).

ORDERED, the entry of this Order is without prejudice to the Debtors' right to seek an additional extension of the Acceptance Period under section 1121 of the Bankruptcy Code upon appropriate notice and a hearing.

DATED: White Plains, New York
September 21, 2021

/s/Robert D. Drain

HONORABLE ROBERT D. DRAIN
UNITED STATES BANKRUPTCY JUDGE